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असाधारण

EXTRAORDINARY

भाग II—खंड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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No. 26] NEW DELHI, TUESDAY, MAY 13, 1969/VAISAKHA 23, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 13th May, 1969:—

BILL No. 45 of 1969

A Bill to provide for the abolition of the Legislative Council of the State of West Bengal and for matters supplemental, incidental and consequential thereto.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the West Bengal Legislative Council (Abolition) Act, 1969.

Short
title and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “appropriate Government” means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(b) “article” means an article of the Constitution;

(c) “Council” means the Legislative Council of the State of West Bengal;

(d) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of West Bengal;

(e) "Legislative Assembly" means the Legislative Assembly of the State of West Bengal.

Abolition
of the
Council.

3. (1) The Legislative Council of the State of West Bengal is hereby abolished.

(2) On the abolition of the Council, every member thereof shall cease to be such member.

Amend-
ment of
article 168.

4. In sub-clause (a) of clause (1) of article 168, for the words "Uttar Pradesh and West Bengal", the words "and Uttar Pradesh" shall be substituted.

Amend-
ment of
Act 43
of 1950.

5. In the Representation of the People Act, 1950,—

(a) in the Third Schedule, entry No. 9 relating to West Bengal shall be omitted;

(b) in the Fourth Schedule, the heading "West Bengal" and the entries thereunder shall be omitted.

Repeal of
Delimita-
tion of
Council
Consti-
tuencies
(West
Bengal)
Order,
1951.

6. The Delimitation of Council Constituencies (West Bengal) Order, 1951, is hereby repealed.

Provision
as to
pending
Bills.

7. (1) A Bill pending in the Council immediately before the commencement of this Act which has not been passed by the Legislative Assembly shall lapse on the abolition of the Council.

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of West Bengal in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments, the Legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

Power to
adapt
laws.

8. The appropriate Government may, before the expiration of one year from the commencement of this Act, by order, make such adaptations and modifications of any law made before such commencement, whether

by way of repeal or amendment as may be necessary or expedient in consequence of the abolition of the Council under section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

9. Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation or modification of a law made before the commencement of this Act, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority. ^{Power to construe laws.}

STATEMENT OF OBJECTS AND REASONS

Under article 169 of the Constitution, Parliament may, by law, provide for the abolition of the Legislative Council of a State having such a Council, if the Legislative Assembly of a State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting. On 21st March, 1969, the Legislative Assembly of the State of West Bengal has passed a resolution, in terms of article 169 of the Constitution, for the abolition of the Legislative Council of that State. In pursuance of this resolution, it is proposed to abolish the Legislative Council of the State of West Bengal. The Bill seeks to give effect to this object and also provides for matters supplemental, incidental and consequential to such abolition.

NEW DELHI;
The 9th May, 1969.

P. GOVINDA MENON.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the appropriate Government to make such adaptations and modifications of any law made before the commencement of the Act as may be necessary or expedient in consequence of the abolition of the Legislative Council of the State of West Bengal under clause 3. This power will be available only for a period of one year from the commencement of the Act. The adaptations and modifications cannot affect the substance of the laws adapted.

The delegation of legislative power is of a normal character.

S. L. SHAKDHER,
Secretary.

